



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY
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WASHINGTON, DC 20350-1000

SECNAVINST 7220.87
N131J
29 Oct 02

SECNAV INSTRUCTION 7220.87

From: Secretary of the Navy
To: All Ships and Stations

Subj: NAVY JUDGE ADVOCATE CONTINUATION PAY (JACP) AND MARINE
CORPS LAW SCHOOL EDUCATION DEBT SUBSIDY (LSEDS)

Ref: (a) 37 U.S.C. § 321
(b) SECNAVINST 1520.7E
(c) CNO WASHINGTON DC 212145Z Sep 00 (NAVADMIN 243/00)
(d) JAGINST 5803.1B
(e) Manual of the Judge Advocate General
(f) MCO P5800.16A

Encl: (1) Navy JACP Procedures
(2) Marine Corps LSEDS Procedures

1. Purpose. To establish policies, procedures, and guidance for the administration of continuation pay/education debt subsidy for U.S. Navy and Marine Corps judge advocates as authorized by reference (a).

2. Policy. The Department of the Navy authorizes Navy JACP and Marine Corps LSEDS to:

a. Correct current or projected shortages of career judge advocates.

b. Improve retention of judge advocates.

c. Alleviate the financial burden of student loan debts on junior judge advocates.

3. Definitions. For purposes of this instruction, the following definitions will apply.

a. Judge advocate. An officer of the Judge Advocate General's Corps of the Navy or an officer of the Marine Corps who is designated as a judge advocate.

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b. Judge Advocate Continuation Pay (JACP)/Law School Education Debt Subsidy (LSEDS). A retention bonus/debt subsidy authorized by reference (a) and this instruction to be paid in addition to any other pay and allowances to which a judge advocate is entitled.

c. JACP/LSEDS service obligation. The time period a judge advocate agrees to remain on active duty in return for JACP/LSEDS.

d. JACP/LSEDS agreement. A written agreement executed by a judge advocate obligating the applicant to remain on active duty for a specified period of time.

e. Effective date of a JACP/LSEDS agreement. The date a judge advocate's JACP/LSEDS agreement is accepted by appropriate authority, or the date the judge advocate is first eligible for JACP/LSEDS, whichever is later.

f. Commencement date of a JACP/LSEDS service obligation. The first day of the JACP/LSEDS service obligation as required by a JACP/LSEDS agreement. For JACP, this date is the later of the effective date of a JACP agreement or the day after a previously incurred service obligation expires. The return service obligation for JACP will run consecutively with any other service obligation incurred by the individual. The return service obligation for LSEDS will run concurrently with any other service obligation. In addition, the commencement date of the service obligation will be a required annotation on all JACP/LSEDS applications as part of the JACP/LSEDS agreement.

g. Initial Active Duty Service Obligation (IADSO). The initial active duty service commitment incurred by a judge advocate upon his or her commencement of extended active duty after graduation from the Naval Justice School (NJS) Basic Lawyer Class for the Navy and reporting date to The Basic School (TBS) for the Marine Corps.

4. Authority. Upon Assistant Secretary of the Navy (Manpower and Reserve Affairs) concurrence of a requirement for Navy JACP or Marine Corps LSEDS, the Chief of Naval Personnel (CHNAVPERS) (PERS-4416) or the Deputy Commandant for Manpower and Reserve Affairs (as appropriate) is delegated authority to:

a. Establish JACP/LSEDS application procedures.

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- b. Evaluate a judge advocate's eligibility to receive JACP/LSEDS.
- c. Accept and approve JACP/LSEDS agreements.
- d. Administer the JACP/LSEDS program per this instruction.

Service application procedures and program administration are contained in enclosures (1) and (2).

William A. Navas, Jr.
Assistant Secretary of the Navy
(Manpower and Reserve Affairs)

Distribution:

SNDL Parts 1 and 2

MARCORPS Codes PCN 710000000000 and 71000000000100

NAVY JUDGE ADVOCATE CONTINUATION PAY (JACP) PROCEDURES

1. Eligibility. Officers who accessed into the Navy Judge Advocate General's Corps through the Law Education Program under reference (b), including those who did not receive full, three-year funding, are not eligible for JACP. To be eligible for JACP, a judge advocate must:

- a. Be a lieutenant commander (LCDR/0-4) or below.
- b. Be qualified and certified in accordance with Article 27(b), Uniform Code of Military Justice (UCMJ).
- c. As a lieutenant (0-3), after serving as a judge advocate in the U.S. Naval Reserve, have accepted an appointment as a judge advocate in the Regular Navy (for Phase I JACP).
- d. Be promoted to the rank of lieutenant commander in the Regular Navy (for Phase II JACP).
- e. Be promoted to the rank of lieutenant commander in the Regular Navy and have completed 10 years of continuous active duty commissioned service as a Navy judge advocate (for Phase III JACP).

2. JACP Program.

a. All JACP service obligations shall run consecutively with any other obligated service the judge advocate previously incurred as a result of prior service agreements (e.g., IADSO, acceptance of appointment into the Regular Navy, acceptance of Navy-funded graduate school education, or a service obligation from an earlier JACP Agreement).

b. Payments under the JACP Program are phased in the following manner at specific judge advocate career intervals:

(1) Phase I. A payment of \$30,000 is authorized for eligible judge advocates on the first anniversary date after their acceptance of appointment into the Regular Navy, approximately at their fourth year of active service, provided acceptance occurred within 120 days of the date of the NAVADMIN authorizing delivery of the appointment into the Regular Navy. Eligibility begins with officers whose first anniversary of

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their acceptance of an appointment into the Regular Navy occurred in FY 00. Officers who accept this payment incur active duty service obligation of three years.

(2) Phase II. A payment of \$15,000 is authorized for eligible judge advocates on the next anniversary date of their graduation from the NJS Basic Lawyer Class after promotion to the rank of lieutenant commander (O-4) in the Regular Navy, at approximately the six to seven year mark of active service. Eligibility begins with officers who were promoted to lieutenant commander (O-4) in FY-00. Officers who accept this payment incur an active duty service obligation of two years.

(3) Phase III. A payment of \$15,000 is authorized for eligible judge advocates on the next anniversary date of their graduation from the NJS Basic Lawyer Class after completing 10 years of continuous active commissioned service as judge advocates. Eligibility begins with officers who completed their tenth year of continuous active commissioned service as judge advocates in FY-00. Officers who accept this payment incur an active duty service obligation of two years.

3. JACP Applications. Using the format prescribed in Appendix I, eligible judge advocates may apply for JACP via their commanding officer. A separate application is required for each phase of the JACP program. Judge advocates may apply for each phase of JACP until 180 days after the date of eligibility. For judge advocates who became eligible for any phase of JACP during FY-00, 21 September 2000, the date on which reference (c) was released, will be considered the initial date of eligibility. Once applications are approved by CHNAVPERS, judge advocates will be eligible to receive JACP as authorized by this instruction.

4. JACP Approval Process. All JACP applications will be reviewed by CHNAVPERS.

5. Payment of JACP. Provided applications for each phase of JACP are received sufficiently in advance, judge advocates whose JACP applications are approved will be paid JACP at the anniversary dates specified in paragraph 2 above.

6. Recoupment/Repayment of JACP. Judge advocates who receive JACP commit to remain on active duty as judge advocates and

agree to accept continuation on active duty through their JACP service obligation. Judge advocates will be required to repay the unearned portion of any JACP received on a pro rata basis under the following circumstances:

a. If they fail to complete their JACP service obligation due to separation or discharge from active duty for any reason except those listed in paragraph 7.

b. If they lose their certification under Article 27 (b), UCMJ, or are suspended from practice as judge advocates for one year or longer under the procedures of reference (d).

c. If they incur a disease or injury resulting in incapacitation or disability that is determined, per chapter II of reference (e), to have been incurred not in the line of duty.

7. Recoupment/Repayment Not Required. Recoupment or repayment of unearned JACP will not be required, and a JACP service obligation will be terminated, under the following circumstances:

a. If a judge advocate who executed a JACP agreement dies before completing the JACP service obligation.

b. If a judge advocate that executed a JACP agreement incurs a disease or disability that renders the judge advocate unqualified for active duty service, was not the result of misconduct or willful neglect, and was not incurred during a period of unauthorized absence.

c. If the Secretary of the Navy determines that, under the circumstances, a waiver of recoupment or repayment of unearned JACP is in the best interests of the United States.

8. Action. Commanding officers will invite eligible and qualified judge advocates to submit JACP applications (Appendix A) to CHNAVPERs. Commanding officers must ensure that the information provided in an officer's application is complete and accurate, that the officer meets the eligibility requirements set forth in paragraph 1 above, and that no action against the officer is pending that may result in the officer being ineligible for JACP.

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NAVY JUDGE ADVOCATE CONTINUATION PAY (JACP) PROCEDURES

From: LT A. B. Sailor, JAGC, USN, 123-45-6789/2500
To: Commander, Navy Personnel Command (PERS-4416)
Via: Commander/Commanding Officer

Subj: REQUEST FOR NAVY JUDGE ADVOCATE CONTINUATION PAY (JACP)

Ref: (a) SECNAVINST 7220.87

1. I hereby apply for JACP effective (upon approval of this request or a specific date after the date of this request) in accordance with reference (a). Contingent upon approval of my application for this special pay, I agree not to tender a resignation or terminate voluntarily my judge advocate designator for (number of years or months, consistent with the JACP requested) beyond the commencement of the JACP service obligation. I am applying for the Phase (I/II/III) JACP payment. I agree to accept continuation on active duty through the end of my JACP service obligation.

2. I have read, understand, and agree to be bound by the provisions of reference (a), including the circumstances under which recoupment or repayment of unearned JACP will be required.

3. I understand that the Chief of Naval Personnel (CHNAVPERS) must validate my eligibility for JACP. I also understand that, if I am found not eligible for JACP, this application will be returned with no action taken, and I may reapply at a later date if my eligibility for JACP changes. I also understand that CHNAVPERS must validate the total JACP for which I am qualified.

4. In support of this application, the following information is provided, which I certify to be true and accurate.

Active Commission Base Date: _____

Obligated Service Remaining: _____

Total Years of Active Duty: _____

SIGNATURE

Appendix A to
Enclosure (1)

MARINE CORPS LAW SCHOOL EDUCATION DEBT SUBSIDY (LSEDS) PROCEDURES

1. Eligibility. Officers who accessed as Marine Corps judge advocates through the Law Education Program under Chapter 19 of MCO P5800.16A, including those who did not receive full, three-year funding, are not eligible for LSEDS. To be eligible for LSEDS, a judge advocate must:

a. Be qualified and certified in accordance with Article 27(b), Uniform Code of Military Justice (UCMJ).

b. Have completed their Initial Active Duty Service Obligation (IADSO) as a judge advocate in the Marine Corps and have accepted an appointment as a judge advocate in the Regular Marine Corps.

c. Not be selected for promotion to major or twice passed for promotion to major.

2. LSEDS Program.

a. All LSEDS service obligations shall run concurrent with any other obligated service the judge advocate previously incurred as a result of prior service agreements (e.g., acceptance of appointment into the Regular Marine Corps[Augmentation]).

b. Payments under the LSEDS Program will be administered in the following manner upon completion of initial active duty service obligation:

1. Three annual payments of \$10,000 (total of \$30,000) each are authorized for eligible judge advocates upon completion of an officer's IADSO.

2. Officers who accept this payment incur an active duty service obligation of three years from the date the LSEDS application is approved by the Judge Advocate Support (JAS) and M&RA (MPP-30).

3. LSEDS Applications. Using the format prescribed in Appendix A, eligible judge advocates shall apply for LSEDS via their senior judge advocate or commanding officer (O-5 and above or SJA billet). Date of eligibility will be considered to be the date of

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completion of IADSO. Once applications are approved by JAS and MPP-30, judge advocates will be eligible to receive LSEDS as authorized by this instruction.

4. LSEDS Approval Process. All LSEDS applications will be reviewed by JAS and MPP-30 for final approval.

5. Payment of LSEDS. Provided applications for LSEDS are received sufficiently in advance, it is the intent of this instruction that judge advocates will be paid no later than 60 days after the application is approved.

6. Recoupment/Repayment of LSEDS. Judge advocates who receive LSEDS shall commit to remain on active duty as judge advocates and agree to accept continuation on active duty through their LSEDS service obligation. Judge advocates will be required to repay the unearned portion of any LSEDS received on a pro rata basis under the following circumstances:

a. If they fail to complete their LSEDS service obligation due to separation or discharge from active duty for any reason except those listed in paragraph 7.

b. If they lose their certification under Article 27(b), UCMJ, or are suspended from practice as judge advocates for one year or longer under the procedures of reference (d).

c. If they incur a disease or injury resulting in incapacitation or disability that is determined, per chapter II of reference (e), to have been incurred not in the line of duty.

7. Recoupment/Repayment Not Required. Recoupment or repayment of unearned LSEDS will not be required, and an LSEDS service obligation will be terminated, under the following circumstances:

a. If a judge advocate who executed a LSEDS agreement dies before completing the LSEDS service obligation.

b. If a judge advocate who executed a LSEDS agreement incurs a disease or disability that renders the judge advocate unqualified for active duty service, was not the result of misconduct or willful neglect, and was not incurred during a period of unauthorized absence.

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c. If the Secretary of the Navy determines that, under the circumstances, a waiver of recoupment or repayment of unearned LSEDS is in the best interests of the United States.

8. Action. Eligible officers are invited to submit LSEDS applications (Appendix A) to MPP-30 via JAS. Applying officers must ensure the information provided in their application is complete and accurate.

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APPLICATION FORMAT FOR LAW SCHOOL EDUCATION DEBT SUBSIDY (LSEDS)

From: Captain A. B. Marine, USMC, 123-45-6789/4402
To: DC, M&RA (MPP-30)

Via: (1) Senior Judge Advocate or Commanding Officer
(2) Judge Advocate Support (JAS)

Subj: REQUEST FOR LAW SCHOOL EDUCATION DEBT SUBSIDY (LSEDS)

Ref: (a) SECNAVINST 7220.87
(b) MARADMIN 602/02

1. I hereby apply for LSEDS effective upon approval of this request in accordance with reference (a). Contingent upon approval of my application for this special pay, I agree not to tender a resignation for three years from the date my application is approved by JAS/MPP-30. I agree to accept extension on active duty for three years from the date my application is approved by JAS/MPP-30.

2. I have read, understand, and agree to be bound by the provisions of the references, including the circumstances under which recoupment or repayment of unearned LSEDS will be required. I understand that I will be required to repay the unearned portion of LSEDS if I am unable to complete my service obligation for any reason. Reasons for recoupment or repayment include, but are not limited to: losing my Article 27(B) UCMJ certification; being twice passed for promotion to major and not offered continuation, or suffering an injury or illness resulting in disability or incapacitation that is determined to be not in the line of duty.

3. I understand that the DC M&RA (MPP-30) in coordination with Judge Advocate Support (JAS) must validate my eligibility for LSEDS. I also understand that, if I am found not eligible for LSEDS, this application will be returned with no action taken.

4. In support of this application, the following information is provided, which I certify to be true and accurate:

Date Completed Initial Active Duty Service Obligation: _____
Date Accepted Augmentation into Regular Marine Corps: _____

SIGNATURE

Appendix A to
Enclosure (2)